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AMENDMENT NO. 7 TO THE

DECLARATION OF CONDOMINIUM  
OF

PHEASANT RUN BUILDINGS 1, 2, 3, 4, 5, 6, 7, 8, 9  
10, 11, 12, 13, 14, 15 AND 16, BY EXPANDING TO  
INCLUDE BUILDING 17,  
A CONDOMINIUM IN TOPEKA, SHAWNEE COUNTY, KANSAS

THIS AMENDMENT TO THE DECLARATION OF CONDOMINIUM is  
made on this 29<sup>th</sup> day of December, 1982, by PHEASANT RUN COMPANY,  
a General Partnership, hereinafter referred to as the "Developer".

WITNESSETH:

WHEREAS, the Developer has previously executed a Declaration of  
Condominium for Pheasant Run Buildings 1, 2, 3, 4, 5, 6, and 7, a Condominium  
in Topeka, Shawnee County, Kansas. That said Declaration, together with  
its exhibits, was recorded in the Register of Deeds of Shawnee County, Kansas,  
in Book 5, Page 94-176, on the 16th day of May, 1979.

WHEREAS, the Developer previously executed Amendment No. 1 to  
the Declaration of Condominium for Pheasant Run Buildings 1, 2, 3, 4, 5, 6 and 7 which  
is recorded in Book 6 at Page 151-154 in the Register of Deeds of Shawnee County,  
Kansas.

WHEREAS, the Developer previously executed Amendment No. 2 to  
the Declaration of Condominium for Pheasant Run Buildings 1, 2, 3, 4, 5, 6 and 7  
which is recorded in Book 7 at Page 219-222 in the Register of Deeds of Shawnee  
County, Kansas.

WHEREAS, the Developer previously executed Amendment No. 3 to  
the Declaration of Condominium for Pheasant Run Buildings 1, 2, 3, 4, 5, 6 and 7 by  
expanding to include Buildings 8, 9, 10, 11, 12, 13, 14, 15 and 16, together with its  
Exhibits, which was recorded in Book 8 Page 155-229 in the Register of Deeds  
of Shawnee County, Kansas, on the 21st day of February, 1980.

WHEREAS, the Developer previously executed Amendment No. 4 to  
the Declaration of Condominium for Pheasant Run Buildings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,

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11, 12, 13, 14, 15 and 16 which is recorded in Book 8 at Page 230-233 in the Register of Deeds of Shawnee County, Kansas.

WHEREAS, the Developer previously executed Amendment No. 5 to the Declaration of Condominium for Pheasant Run Buildings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 which is recorded in Book 9 Page 208-211 in the Register of Deeds of Shawnee County, Kansas.

WHEREAS, the Developer previously executed Amendment No. 6 to the Declaration of Condominium for Pheasant Run Buildings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 which is recorded in Book 13 at Page 1-11 in the Register of Deeds of Shawnee County, Kansas.

WHEREAS, the original Declaration of Condominium, pursuant to K.S.A. 58-3111 and K.S.A. 58-3115(b) reserved in Article V thereof, beginning at Page 20 thereof, the right to further expand the Condominium by subsequent amendment by adding certain described real estate which was set forth in the original Declaration and the Developer is now desirous, by this Amendment, of expanding said Declaration of Condominium to include the real estate described in the original Declaration of Condominium at Section 5.2(b).

WHEREAS, in addition to the reservation to expand the Condominium, the original Declaration of Condominium for Pheasant Run Buildings 1, 2, 3, 4, 5, 6 and 7 also reserved, at Section 5.3 on Page 22, the right to reallocate interests in the common area pursuant to later expansions of the Condominium Declaration. In addition, at Section 5.9 on Page 24 of the Declaration, there was a reservation permitting the Developer to add additional common areas and limited common areas as the expansions occurred.

NOW, THEREFORE, the Developer makes the following Amendment to its Declaration of Condominium heretofore filed herein with this Amendment being made in accordance with the provisions of the Kansas Apartment Ownership Act.

1. That pursuant to the Kansas Apartment Ownership Act, the Developer, PHEASANT RUN COMPANY, a General Partnership, hereby makes the following Declarations of Condominium as to the real property hereinafter described

and, further, reserves to itself additional rights, as hereinafter stated.

2. That the following described real property is presently owned by the Developer and is located on a portion of Lot 13, in Block A in the John O. Allen Subdivision No. 2, in the City of Topeka, Shawnee County, Kansas, the Plat of the John O. Allen Subdivision No. 2, of which the hereinafter declared property is a part, is to be found in Book 5 at Page 127 of the records of the Register of Deeds of Shawnee County, Kansas. The legal description of the total property which is herein declared as condominium property, pursuant to this Amendment expanding the pre-existing Condominium, is shown in a graphic survey prepared by Bartlett & West, Consulting Engineers, P.A., a copy of which was attached to the original Declaration of Condominium, labeled as Exhibit "D", and more specifically located in Book 5 at Page 172-173 of the condominium records in the office of the Register of Deeds of Shawnee County, Kansas, and a written description is as follows:

A tract of land located in the northwest quarter of Section 9, Township 12 South, Range 15 East of the 6th P.M., City of Topeka, Shawnee County, Kansas, more particularly described as follows:

COMMENCING at the Southwest corner of Lot 13, Block A, John O. Allen Subdivision No. 2, City of Topeka, Shawnee County, Kansas; thence on Az 87 degrees 58 minutes 55 seconds, 237.24 feet along the South line of said lot to the POINT OF BEGINNING; thence on Az 357 degrees 58 minutes 55 seconds, 150.31 feet; thence on Az 58 degrees 05 minutes 20 seconds, 91.53 feet; thence on Az 357 degrees 58 minutes 55 seconds, 44.07 feet; thence on Az 87 degrees 58 minutes 55 seconds, 220.64 feet; thence on Az 177 degrees 58 minutes 55 seconds 123.00 feet; thence on Az 87 degrees 58 minutes 55 seconds, 221.00 feet to the centerline of a utility easement; thence on Az 177 degrees 58 minutes 55 seconds, 117.00 feet along said centerline to a point on said South line; thence on Az 267 degrees 58 minutes 55 seconds, 521.00 feet along said south line to the point of beginning, containing 2.12 acres, more or less.

**3. ACTUAL LOCATIONS OF BUILDING 17 OF PROJECT.**

The Developer will construct upon the land, hereinbefore described as expanded Condominium property and graphically displayed in Book 5, at Page 170, of the Condominium records in the office of the Register of Deeds of Shawnee County, Kansas, certain improvements consisting initially of one (1) building housing four apartment units. The remainder of the land herein made a part of this expanded condominium project will initially be common area except for that portion thereof herein after established as limited common area for carports serving Building 17.

The Developer expressly reserves the right to construct up to a maximum of 32 units upon all or any portion of the remaining land added to the Condominium by this expansion along with conversion of additional common area to limited common areas for carports, garages, patios and decks to serve such additional units. Provided, that each of the buildings which may be hereafter constructed shall contain a maximum of four apartment units.

To the extent that additional units and carports are constructed, the Developer shall be permitted to convert such amount of the land of this expansion from common area to apartment units or limited common areas as the case may be. In addition, the Developer reserves the right to diminish existing common area ownership percentages of all existing apartment units, including those established for Building 17 units by this Amendment, by the number of additional apartment units which may be constructed by the Developer in additional buildings on the land added to the condominium project by this Amendment. The location of each of the buildings to be constructed in this expanded Condominium property has been established by the consulting engineers for the Developer and has been reflected and certified Plats of Survey as follows:

(1) Building No. 17, also known as Building Site No. 17, the plat and location of which is shown in Exhibit "A-1", attached hereto and incorporated herein by reference, as if set out in full herein,

#### **4. INTENTION OF DEVELOPMENT OF CONDOMINIUM**

The expanded Condominium project reflected in this Amendment is to be known as the PHEASANT RUN CONDOMINIUMS and will consist of the original phase, previously declared as Condominiums of seven (7) buildings, and the expanded phases of Condominiums consisting of ten buildings for an overall total of sixty-eight (68) living units. Each of the units in the original Declaration of Condominium and each of the units in all of the expansions shall be considered separate Condominiums.

#### **5. DECLARATION OF EASEMENTS OF STREETS AND WAYS.**

The Developer hereby dedicates and creates initially as additional common area available to all parties in this Expanded Condominium, as well as those in the original Condominium and the earlier expansion, as hereinafter provided, all that portion of the property described in Paragraph 2 hereof, except that portion hereafter declared as Condominium Apartment units available for private ownership. An easement for ingress and egress is hereby declared, dedicated and created over and across said common areas. The location of specific streets and ways shall be at the discretion of the Developer. The consulting engineer for the Developer has shown the intended general location of such streets and ways on Exhibit "B" which is attached hereto and incorporated herein by reference, as if set out in full herein. All of the private streets and ways described on said Plat of Survey of this Expanded Condominium will be known as common area as the same is hereinafter described and provided for and shall be considered as additional common area to that common area previously established by the original Declaration of Condominium. Exhibit "B" hereof provides a graphic description of the general location of such private streets and ways. Each of the apartment units of this Expanded Condominium shall, pursuant to the requirements of Kansas law, have direct access for purposes of ingress and egress to the common area of private streets and ways, as herein described and, in addition, shall have direct access for purposes of ingress and egress

to all of the common areas for private streets and ways originally dedicated in the original Declaration of Condominium of Pheasant Run buildings 1, 2, 3, 4, 5, 6, and 7 and the Amendment No. 3 to include Buildings 8, 9, 10, 11, 12, 13, 14, 15 and 16 in Shawnee County, Kansas. In addition, each of the apartment units will have access for the purpose of ingress and egress from such living units to Southwest Westport Drive and Southwest 22nd Terrace, both dedicated public streets of the City of Topeka, Shawnee County, Kansas. It is not the intention of this Declaration of Expanded Condominium, nor has the Developer taken any previous action to dedicate the private ways and streets shown herein as public streets, nor the original private ways and streets as shown in the original Declaration of Condominium as public streets. These streets and ways, as well as the original streets and ways, are considered as common area and are reserved for the exclusive use and benefit of the owners of the Pheasant Run Condominium herein declared, as well as those previously declared, together with their family, guests, invitees, devisees, heirs, mortgagees, successors and assigns. It shall be the continuing responsibility of the Pheasant Run Condominium Homeowners Association, Inc., a Kansas non-profit corporation, previously established pursuant to the original Declaration of Condominium, to care for and maintain the private streets and ways included in this Expanded Condominium Declaration, as well as those previously declared, and to provide for the charging to the apartment units of this Expanded Condominium, as those created by the original Declaration of a pro rata cost of such maintenance.

**6. STRUCTURAL DESCRIPTION OF PHEASANT RUN CONDOMINIUMS BUILDING 17.**

The following is intended as a general structural description of each of the buildings making up this Expanded Condominium:

- (a) Pheasant Run Condominium Building No. 17, otherwise known as 5827 Southwest 22nd Terrace, and shown graphically on Exhibit "A-1", shall consist of four apartment units, when completed,

each consisting of two bedrooms , one of the units shall have one bath, one unit with 1-1/2 bath and two units with two baths, a living room and kitchen, with deck and patio. As more specifically described in the floor plans filed with the Register of Deeds of Shawnee County, Kansas, in conjunction with this Declaration of Expanded Condominium Amendment, all as required by K.S.A. 58-3113. This building shall be constructed with no basement and with a concrete foundation.

(b) The following shall be the street address and unit number of each of the apartments of the total four (4) units making up this Expanded Condominium:

1. Building No. 17, more specifically known as 5827 Southwest 22nd Terrace

Unit 1 - 5827 Southwest 22nd Terrace No. 1;  
Unit 2 - 5827 Southwest 22nd Terrace No. 2;  
Unit 3 - 5827 Southwest 22nd Terrace No. 3;  
Unit 4 - 5827 Southwest 22nd Terrace No. 4;

2.

(c) Respective Floor Plans of Apartment Units

Pursuant to the requirements of K.S.A. 58-3111 and K.S.A. 58-3113, the Developer has filed with the Register of Deeds of Shawnee County, Kansas, simultaneous with the recording of this Amendment Expanding the Original Floor Plans for Pheasant Run Building No. 17. Those floor plans were prepared by Knight, Remmele and Eaton, Architects for the Developer and, generally, depict the layout, location, apartment numbers, and the dimensions of each of the apartment's location in each of the buildings. In addition, in accordance with the requirements of K.S.A. 58-3113, there is a certificate from such licensed professional architect certifying that the recorded floor plans are accurate copies of portions of the building, as filed with and approved by the Topeka Building Inspector's Office who has the jurisdiction and control over the issuances of building permits for the construction of buildings within the city limits of the City of Topeka, Shawnee County, Kansas.

**7. GENERAL DESCRIPTION OF THE STREET LOCATIONS OF THE APARTMENT UNITS AND THE APPROXIMATE AREA AND NUMBER OF ROOMS OF EACH APARTMENT UNIT**

**7.1 PHEASANT RUN BUILDING 17 APARTMENT UNIT 1**

ADDRESS: 5827 Southwest 22nd Terrace No. 1,  
Topeka, Kansas;

**GENERAL DESCRIPTION:** This apartment unit is located on the ground floor on the left side as observed while facing the front of the building in which it is located. This apartment unit is a two-bedroom unit with two baths, and no basement or attic;

**APPROXIMATE AREA IN SQUARE FEET:** 1,232 square feet;

This apartment unit includes in general the following described rooms with their approximate interior area dimensions expressed in square feet:

Living Room	346 square feet
Dining Room	83 square feet
Kitchen	76 square feet
Master Bedroom	243 square feet
Bedroom No. 2	136 square feet
No. of baths	2-baths
Deck and extra storage	154.6 square feet

**7.2 PHEASANT RUN BUILDING 17 APARTMENT UNIT 2**

**ADDRESS:** 5827 Southwest 22nd Terrace - No. 2, Topeka, Kansas;

**GENERAL DESCRIPTION:** This apartment unit is located on the ground floor on the right side as observed while facing the front of the building in which it is located. This apartment unit is a two-bedroom unit with 1-1/2 baths, and no basement or attic;

**APPROXIMATE AREA IN SQUARE FEET:** 1,104 square feet;

This apartment unit includes in general the following described rooms with their approximate interior area dimensions expressed in square feet:

Living Room	258 square feet
Dining Room	101 square feet
Kitchen	93 square feet
Master Bedroom	171 square feet
No. of baths	1-1/2 baths
Patio and extra storage	172 square feet

**7.3 PHEASANT RUN BUILDING 17 APARTMENT UNIT 3**

**ADDRESS:** 5827 Southwest 22nd Terrace - No. 3, Topeka, Kansas;

**GENERAL DESCRIPTION:** This apartment unit is located on the second floor on the left side as observed while facing the front of the building in



which it is located. This apartment unit is a two-bedroom unit with two-baths, and no basement or attic;

APPROXIMATE AREA IN SQUARE FEET: 1.232 square feet;

This apartment unit includes in general the following described rooms with their approximate interior area dimensions expressed in square feet:

Living Room	346 square feet
Dining Room	83 square feet
Kitchen	76 square feet
Master Bedroom	243 square feet
Bedroom No. 2	136 square feet
No. of baths	2-baths
Deck and extra storage	154.6 square feet

7.4 PHEASANT RUN BUILDING 17 APARTMENT UNIT 4

ADDRESS: 5827 Southwest 22nd Terrace - No. 4,  
Topeka, Kansas;

GENERAL DESCRIPTION: This apartment unit is located on the second floor on the right side as observed while facing the front of the building in which it is located. This apartment unit is a two-bedroom unit with one bath, and no basement or attic;

APPROXIMATE AREA IN SQUARE FEET: 952 square feet;

This apartment unit includes in general the following described rooms with their approximate interior area dimensions expressed in square feet:

Living Room	253 square feet
Dining Room	97 square feet
Kitchen	74 square feet
Master Bedroom	138 square feet
Bedroom No. 2	127 square feet
No. of Baths	1-bath
Deck and Extra Storage	160 square feet

8. BOUNDARY OF APARTMENT UNITS DESCRIBED FOR OWNERSHIP PURPOSES.

The boundary of each apartment unit, as hereinbefore described, for ownership purposes, shall be the same as the description of the boundaries of each apartment unit as set forth in the original Declaration of Condominium for Pheasant Run Condominiums Buildings 1,2,3,4,5,6 and 7 in Section 4

of that original Declaration more specifically to be found and located in Book 5 commencing at Page 117 of the Condominium records in the office of the Register of Deeds of Shawnee County, Kansas. All of the provisions therein contained relating to the original apartment units in the Declaration of Condominium will apply identically to the respective condominium units herein created by this Amendment of Expanded Condominiums.

9. REALLOCATION AND ALTERATION OF INTERESTS IN COMMON AS A RESULT OF THIS AMENDMENT EXPANDING THE ORIGINAL CONDOMINIUM.

Pursuant to the provisions of Section 5.3 and 5.4 of the original Declaration of Condominium, the Developer reserved its right to alter and modify the respective interests in the common areas of the original apartment units established in the original Declaration of Condominium and to also provide for the allocation of respective interests in common areas by the apartment units added by any subsequent expansion of the Declaration of Condominium.

10. DESCRIPTION AND DECLARATION OF COMMON AREAS AND FACILITIES AND PROVISIONS RELATING THERETO.

The common areas and facilities in which each of the apartment owners of this Amendment of Expanded Declaration of Condominium shall have an undivided interest in the amount hereinafter set out shall consist of all of the property, except the units owned by the individual apartment owners as such property is described in Exhibits A-1 and B attached hereto, and paragraphs 7 and 8 hereof. Further, that such common areas and facilities will include the land of this Expanded Condominium, as shown on such Exhibits, as well as all central utility facilities including primary utility lines serving each of the buildings contained within the Condominium. Further, the common areas and facilities shall include the exterior and perimeter walls of each of the buildings and the units located therein internally to the exterior face of the wallboards within each apartment unit. Further, such common areas and facilities shall include all exterior hallways, stairways, porches, steps, walkways, parking areas, including driveways, plantings and landscaping,

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grass and private streets and ways, and any and all other portions of real or personal property not herein specifically described contained within the limits of that property hereto except that portion previously declared as individual unit property and subject to the ownership by apartment unit owners. All structural components, including beams, trusses, joists, studs, roof services, shingles, flues and other structural components shall be considered as common areas and facilities. Further, the common areas and facilities shall include all easements herein granted for private ways and roads and easements given to public utility companies pursuant to this Amendment of Expanded Declaration of Condominium and any such easements that may later be abandoned or reconveyed.

#### 11. CONVEYANCE OF COMMON AREAS AND FACILITIES

The Developer will simultaneous with this filing offer for sale the condominium apartment units created by this Amendment expanding the original Declaration of Condominium as construction on the units is completed. That all such conveyances, when made by the Developer, shall be subject to the provisions of the original Declaration of Condominium, as hereinabove referred to, and this Amendment expanding that Declaration of Condominium. That along with each conveyance of a condominium apartment unit, the Developer will convey a deck or patio, as the case may be, as limited common area appurtenant to the unit and an undivided interest in the common areas and facilities originally declared in the Declaration of Condominium and additional common areas and facilities as established by all Amendments expanding the original Condominium Declaration as that percentage interest is determined and established for each apartment unit in Paragraph 12 hereof. Each apartment unit owner's undivided interest in the common areas shall be subject to the mutual and reciprocal easements of use of such common areas and facilities by all of the apartment owners of the units declared in all Amendments expanding the original Declaration of Condominium, as well as all of the other apartment owners of the original Buildings 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the Declaration of Condominium and the Expanded

Condominium previously filed, all pursuant to Paragraphs 5 and 9, 10 and 11 hereof. Further, such undivided interests and their use and enjoyment by the individual apartment unit owners shall be subject to the management, operation, maintenance, rules and regulations pertaining to the common areas and facilities by the Pheasant Run Condominium Homeowners Association, Inc., as originally set out in the Declaration of Condominium, hereinabove referred to.

The Developer has previously established additional facilities in the original land contained in the Declaration of Condominium and each member of the Pheasant Run Condominium Homeowners Association, which shall include all of the owners of apartment units in this Expanded Condominium Phase, shall have the right to the use and enjoyment of these specific common areas and the facilities constructed thereon and that easement of enjoyment and their individual undivided interest in said common areas shall be appurtenant to and pass with the title of each of these condominium units in this expanded condominium to the same full degree and extent as the original apartment unit owners were thereby entitled, pursuant to the provisions of the original Declaration of Condominium and Expanded Condominium document. Each apartment unit in this Expanded Condominium, together with its owner, their families, visitors, guests, and successors in interest shall have the right to the use of such common areas and facilities, including the pool, concrete deck, tennis courts and cabana clubhouse, to the same extent as the original unit owners in the Condominium and owners in the Expanded Condominium.

**12. PERCENTAGE INTEREST OF APARTMENT UNIT OWNERS IN COMMON AREAS AND FACILITIES.**

The percentage undivided interest, which the individual owners of the apartment units within the original Declaration of Condominium and those apartment units within this Expanded Condominium will have in the common areas and facilities, shall be as follows:

<u>UNIT DESCRIPTION</u>	<u>PAR VALUE</u>	<u>PERCENTAGE INTEREST</u>
Building No. 1, 5849 Southwest 22nd Terrace		
Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%
Building No. 2, 5851 Southwest 22nd Terrace		
Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%
Building No. 3, 5855 Southwest 22nd Terrace		
Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%
Building No. 4, 5859 Southwest 22nd Terrace		
Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%
Building No. 5, 5853 Southwest 22nd Terrace		
Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%
Building No. 6, 5857 Southwest 22nd Terrace		
Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%
Building No. 7, 5861 Southwest 22nd Terrace		
Unit 1	1.48	1.48%
Unit 2	1.48	1.48%
Unit 3	1.48	1.48%
Unit 4	1.48	1.48%

Building No. 8, 5805  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Building No. 9, 5803  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Building No. 10, 5801  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Building No. 11, 5807  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Building No. 12, 5811  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Building No. 13, 5815  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Building No. 14, 5809  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

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Building No. 15, 5813  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Building No. 16, 5817  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Building No. 17, 5827  
Southwest 22nd Terrace

Unit 1	1.47	1.47%
Unit 2	1.47	1.47%
Unit 3	1.47	1.47%
Unit 4	1.47	1.47%

Pursuant to the requirements of K.S.A. 58-3106, each apartment unit owner shall have an undivided interest in the amount of the percentage set forth above in the common areas and facilities as a tenant in common with all other unit owners. Such interest in common areas and facilities shall be considered as a part of the ownership of the apartment ownership and no interest in the common area facilities of an apartment unit can be, by deed, plat or otherwise, subdivided, separated, or divided into smaller units than those herein created as shown by the Exhibit attached hereto, except pursuant to the expandable provisions of Paragraph 5 and pursuant to Paragraph 17 of the original Declaration of Condominium, as hereinabove referred to.

**13. MEMBERSHIP.**

Each apartment unit owner, as established in the original Declaration of Condominium and as established by this Expansion Amendment, shall be entitled to membership in the Pheasant Run Homeowners Association, Inc. with a corresponding membership percentage in vote equal to the percentage set forth in Paragraph 12 of this amendment. The terms and conditions of said membership in the

exercise of voting privilege belonging to the apartment unit owners shall be as prescribed by the By Laws of the Homeowners Association which were filed simultaneous with the original Declaration and attached as Exhibit "G" to that Declaration.

14. All of the provisions as set forth at paragraphs 8, 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7, 9.8, 9.9, 10, 10.1, 11 and 11.1 in the original Declaration of Condominium for Pheasant Run Buildings 1 through 7 and specifically recorded in the Register of Deeds of Shawnee County, Kansas, in Condominium Book No. 5, commencing at page 129 and continuing through page 139, are to apply to the apartment units created by this Expansion Amendment to the same extent, except that such provisions shall be modified to the extent necessary to include the additional units which are expanded as a result of this Amendment so that such provisions shall be speaking to the total 68 units created to date by the original Declaration, the Expanded Amendment and this Amendment.

15. That all of the provisions contained in paragraphs 12, 12.1, 12.2, and 13 of the original Declaration of Condominium for Pheasant Run Buildings 1 through 7, and specifically to be found in the records of the Register of Deeds of Shawnee County, Kansas, in Condominium Book No. 5, commencing at page 139 and continuing through page 142, are to apply equally to the apartment units created by this Expansion Amendment to the same full degree and extent as they applied to the original apartment units created by the Declaration of Condominium for Pheasant Run Buildings 1 through 7.

16. The provisions of paragraph 14, 14.1, 14.2, 14.3, 14.4, 14.5 and 14.6 shall apply to the apartment units created by this Expansion Amendment to the same degree and extent as they applied to the original apartment units created by the Declaration of Condominium for Pheasant Run Buildings 1 through 7. Those paragraphs are specifically to be found in the office of the Register of Deeds of Shawnee County, Kansas, in Condominium Book No. 5, commencing at Page 142 and continuing through 145. The provisions of paragraph 14.7 found in Condominium



Book No. 5 at Pages 145 and 146 are to apply, likewise, to the apartment units created by this Expansion Amendment, except that the percentage upon which the expenses will be assessed will be apportioned to all sixty-eight (68) units in accordance with the percentage interest set forth in Paragraph 12 of this Amendment.

17. The provisions of paragraph 14.8 of the original Declaration of Condominium for Pheasant Run Buildings 1 through 7 and more specifically found in the office of the Register of Deeds in Condominium Book No. 5 at Page 146, shall apply equally to the apartment units created by this Expansion Amendment, except that the reference to the undivided interest in the common areas shall be as established in paragraph 12 of this Amendment for all sixty-eight (68) units rather than as originally set forth for the units created by the original Declaration. The provisions of paragraph 14.9, 14.10, 14.11, 14.12, 14.13, 15, 16, 17, 18, 19, 20, 21, 21.1, 21.2, 21.3, 22, 23, 24, 25, 26, 27 and 28 shall apply equally to the apartment units created by this Expansion Amendment to the same full degree and extent as they apply to the original apartment units created in the Declaration of Condominium for Pheasant Run Buildings 1 through 7. Those particular paragraphs are found in the original Declaration of Condominium in the office of the Register of Deeds in Condominium Book No. 5 beginning with Page 147 and continuing through Page 156.

18. All provisions and Exhibits of the original Declaration of Condominium of Pheasant Run Buildings 1,2,3,4,5,6 and 7, a Condominium in Topeka, Shawnee County, Kansas, recorded in the office of the Register of Deeds of Shawnee County, Kansas, in Condominium Book No. 5, commencing at Page 94, Amendment No. 1 recorded in that same office in Condominium Book 7 at Page 219, not herein amended are expressly reaffirmed by the Developer.

19. Further, the Developer expressly reserves its right to further expand this Condominium by amendment by adding appropriate land as reserved and described in paragraph 5.2(c) of the original Declaration of Condominium and

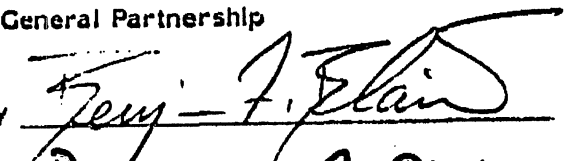
specifically recorded in Condominium Book No. 5 at Pages 120 and 121. In addition, the Developer expressly reserves the right to reallocate all existing interests in common areas and alter them as additional expansions may occur, all as set forth in Paragraphs 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10 and 5.11, specifically recorded in Condominium Book No. 5 at Pages 121-124 in the office of the Register of Deeds, Shawnee County, Kansas, together with any other appropriate paragraphs of the original Declaration.

IN WITNESS WHEREOF, the Developer, through its lawfully authorized agent, has caused this Amendment No. 7 to the Declaration of Condominium of Pheasant Run Buildings 1,2,3,4,5,6,7 and the Expansion Amendment to include Buildings 8,9,10,11,12,13,14,15, and 16 by hereby expanding said Condominium to include Pheasant Run Building 17 to be signed the day and year first above written.

DEVELOPER:

PHEASANT RUN COMPANY, A  
General Partnership

By

  
Benjamin F. Blair

STATE OF KANSAS       )  
                                  ) SS:  
COUNTY OF SHAWNEE    )

BE IT REMEMBERED, that on this 27<sup>th</sup> day of December, 1982, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came BENJAMIN F. BLAIR, as a partner and duly authorized representative of PHEASANT RUN COMPANY, a Kansas General Partnership, and the said BENJAMIN F. BLAIR is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year last above written.

Paula E. Ward  
NOTARY PUBLIC

My Appointment Expires:

2-28-83



# PLAT OF SURVEY

No. 2938

Ordered By

Mr. John Stumbo

Survey Date

Dec. 22

19

82

Party

Uhl

Field Notes

2938-P

Description:

Az. 557° 58' 55" 150.3'

Legal Description:

See sheets 2 and 3 of 3

THE SOUTHWEST CORNER  
OF LOT 13, BLOCK A,  
JOHN O. ALLEN SUBD. No. 2

SEE ATTACHED  
SHEET FOR  
LEGAL  
DESCRIPTION  
2/3

THE SOUTH LINE OF J.O. ALLEN SUBD. No. 2

Az. 267° 58' 55" 521.00'

6' U.E. (PLATTED: BK. 28, PG. 62)

Az. 177° 58' 55" 117.00'

2.12 Acres

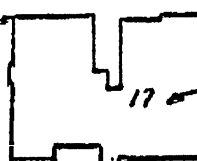
26' U.E. (By Instrument)

72' U.E. (By Instrument)

24' 6" U.E. (By Instrument)

LOT 13, BLOCK A,

JOHN O. ALLEN SUBD. No. 2

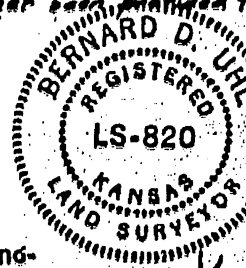


17' EXCEPTION No. Typ

Az. 77° 58' 55" 125.00'

Az. 87° 58' 55" 221.00'

Notes: The Surveyor has not performed a title search nor an examination of the records nor has either been provided to him



**Bartlett & West**  
Consulting Engineers P.A.  
Civil Engineers, Land Planners & Licensed Architects  
210 West 23rd St., Topeka, KS 66611 (913) 866-8277  
FAX (913) 866-8277

I hereby certify that the above plat is the true findings of a survey of the above described property.

*Bernard D. Uhl*

Signature of Surveyor

Date Dec. 22 19 82

EXHIBIT "A-1" - Page 1  
COADMINISTRATOR

Book 19 Page 231





017009

STATE OF KANSAS )  
SHAWNEE COUNTY ) SS  
RECEIVED FOR RECORD

Dec 20 1 53 PM '62

CLERK OF COURTS  
TOPEKA, KANSAS

FLOOR PLAN FOR PHEASANT RUN CONDOMINIUMS  
BUILDING 17

STATE OF KANSAS )  
COUNTY OF SHAWNEE ) SS:

I, PAUL F. REMMELE, of lawful age, after being first duly sworn upon my oath state:

1. That I am a partner in KNIGHT, REMMELE and EATON, a partnership engaged in practicing architecture with offices located at 3518 SW Burlingame Road, Topeka, Kansas.

2. That I am a duly licensed and registered architect pursuant to the laws of the State of Kansas and that I have been duly licensed and registered at all times pertinent hereto.

3. That attached hereto is a set of floor plans of Pheasant Run Condominium Building 17 prepared by Knight Remmele and Eaton, Architects, showing the layout, location, apartment numbers, and dimensions of the apartment units, and the number assigned to each apartment and to each building, all pursuant to the requirements of K.S.A. 58-3113.

4. That this is to certify that the attached floor plans for Pheasant Run Condominium Building 17 are accurate copies of portions of the plans of each building as filed with and approved by the Building Inspection Department of the City of Topeka; the Department having jurisdiction over the issuance of building permits for the construction of all of the above described buildings. However, as noted on the attached plans, the floor plan of unit one as shown by the drawing to be located on the right as the building is viewed from the front has actually been constructed on the left side as the building is faced from the front. Unit 2 is actually constructed on the right though shown by the drawing to be located on the left. The same reversal of constructed units to floor plans attached exists for the second floor. (Units 3 and 4).

5. That the following is a description of the building to be constructed with the required identification and detail pursuant to K.S.A. 58-3113:

- a. Pheasant Run Condominium Building No. 17, located at and known as 5827 SW 22nd Terrace. Said building shall be of wood frame construction with sawtooth and masonite pre-finished siding and asphalt shingle roof. Within the building shall be located four two-bedroom apartment units identified as follows:

Unit No. 1 - ground floor, left side facing building from front

Unit No. 2 - ground floor, right side facing building from front

Mark 19 Page 234

Unit No. 3 - second floor, left side facing  
building from front

Unit No. 4 - second floor, right side facing  
building from front

IN WITNESS WHEREOF, I have executed and verified this Certificate  
pursuant to K.S.A. 58-3113, this 29th day of September 1982.

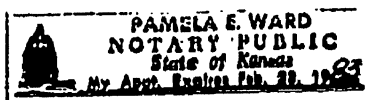
  
PAUL F. REMMELE - Architect

SUBSCRIBED AND SWORN TO before me this 29 day of SEP, 1982  
1982.

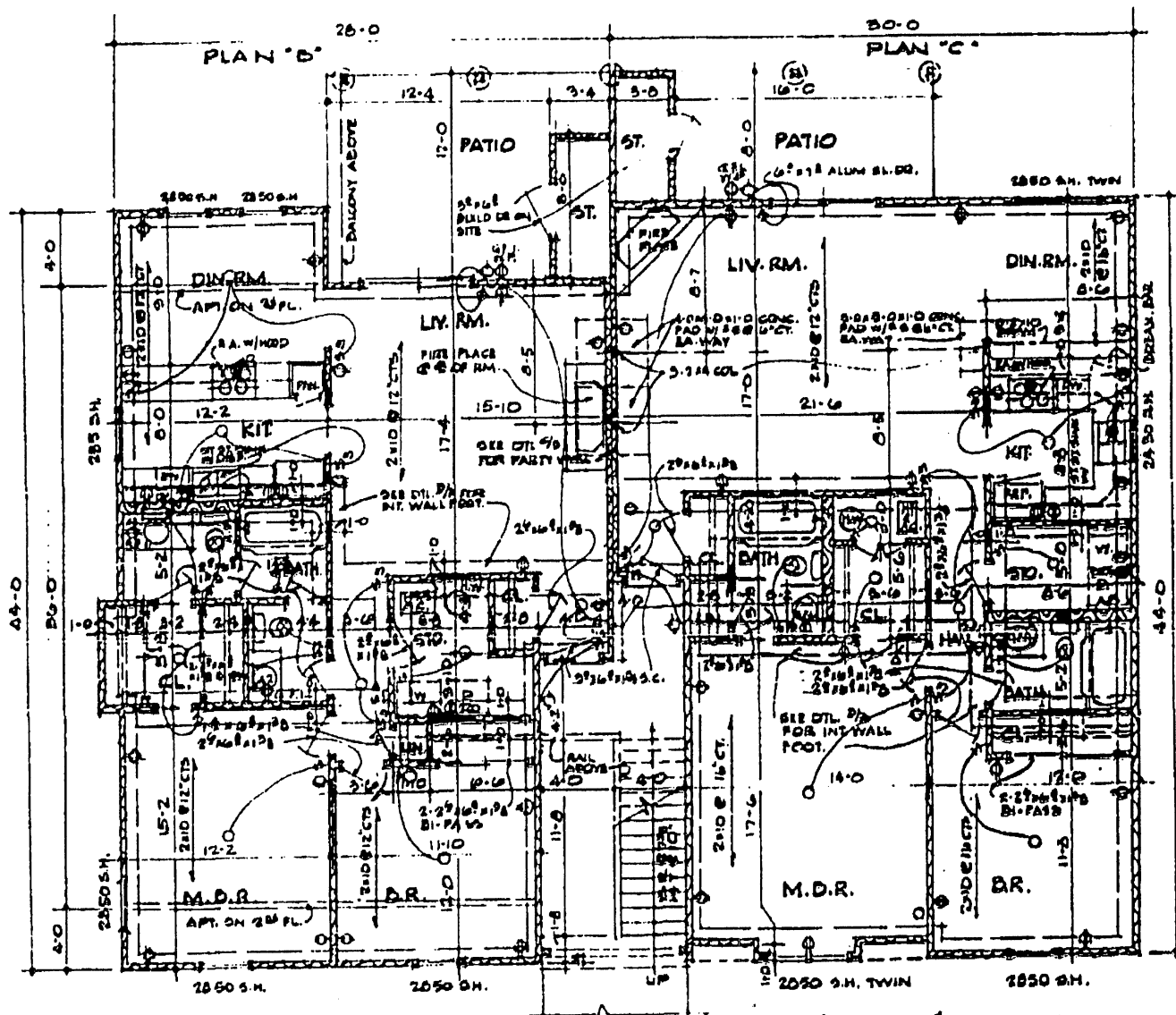
  
NOTARY PUBLIC - Pamela E. Ward

My Appointment Expires:

2-28-83



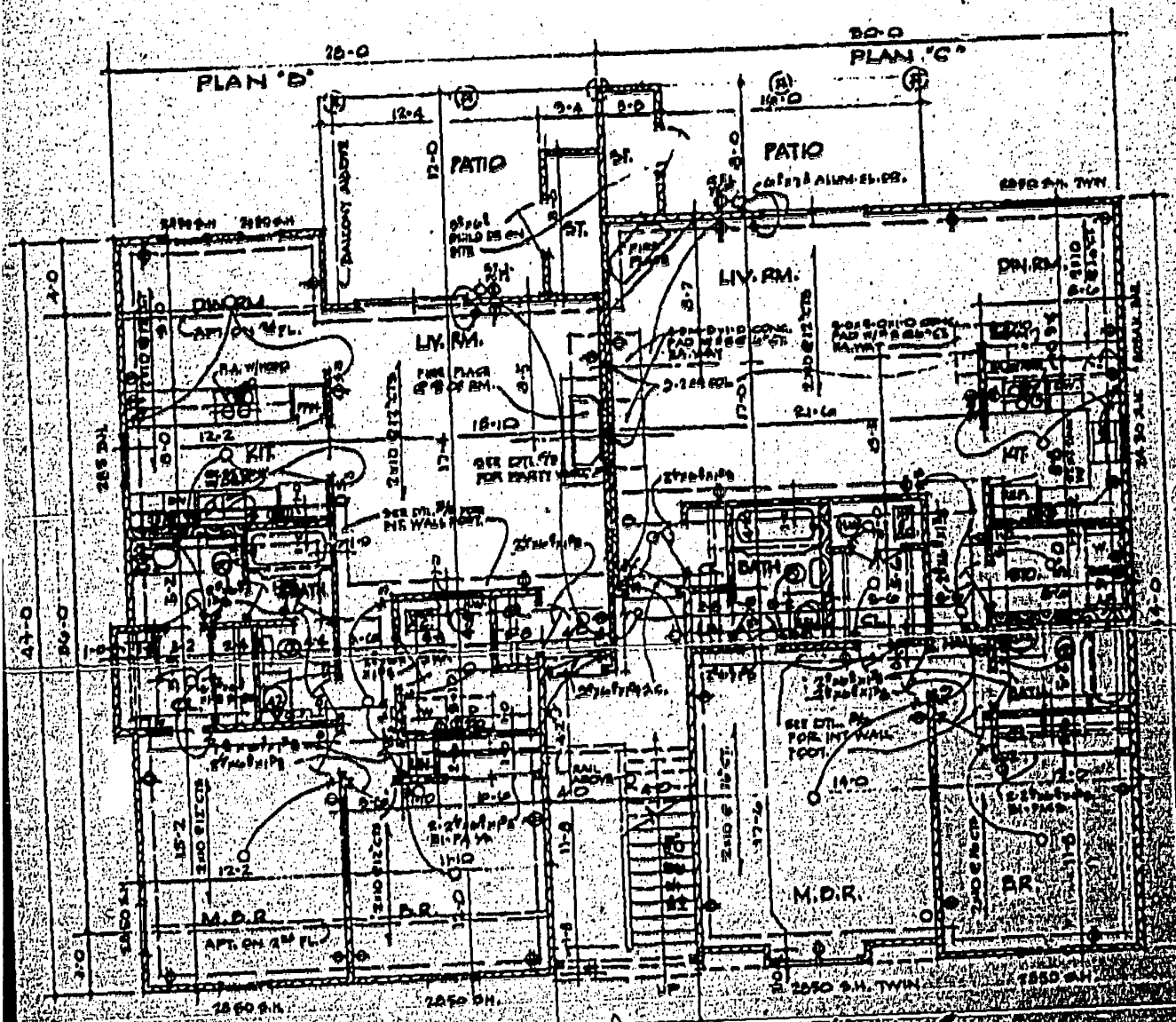




Unit 2  
FIRST FLOOR PLAN  
BLDG. 17

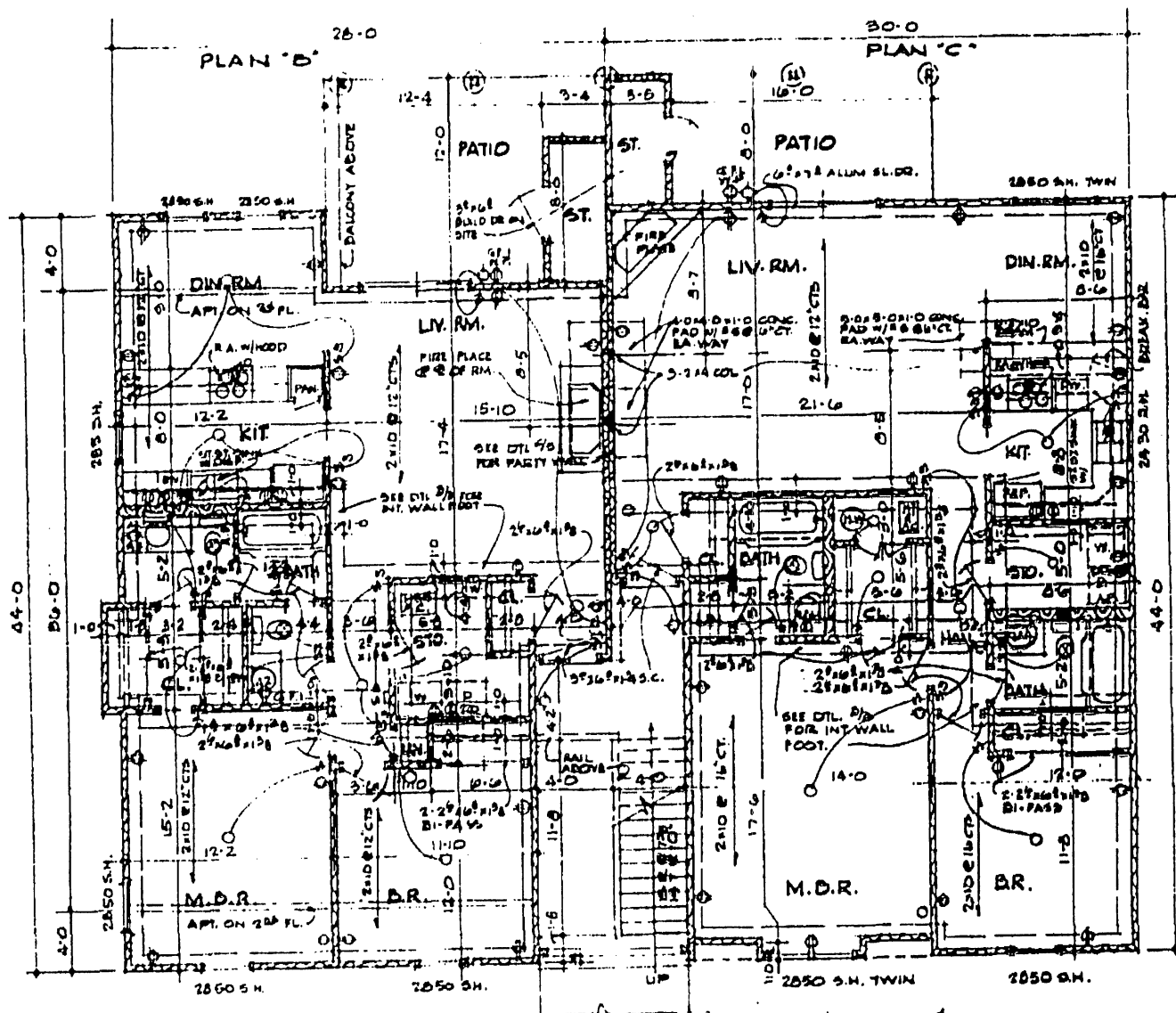
Unit 1

The floor plan of unit one as shown by the drawing to be located on the right as the building is viewed from the front has actually been constructed on the left side as the building is faced from the front. Unit 2 is actually constructed on the right though shown by the drawing to be located on the left. The same reversal of constructed units to floor plans attached exists for the second floor (Units 3 and 4).



Unit 2  
FIRST FLOOR PLAN  
BLDG. 17

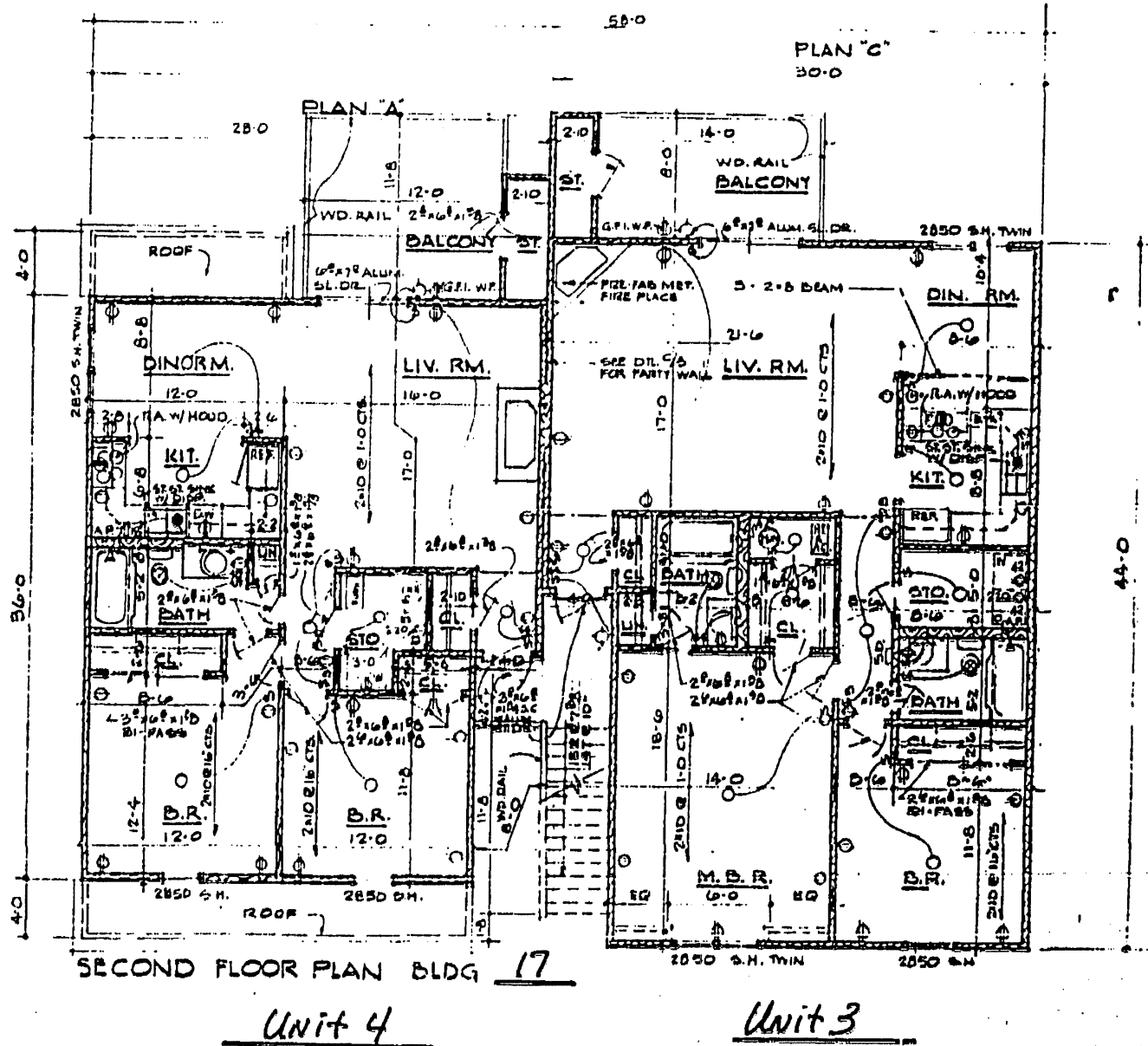
Unit 1



Unit 2  
FIRST FLOOR PLAN  
BLDG. 17

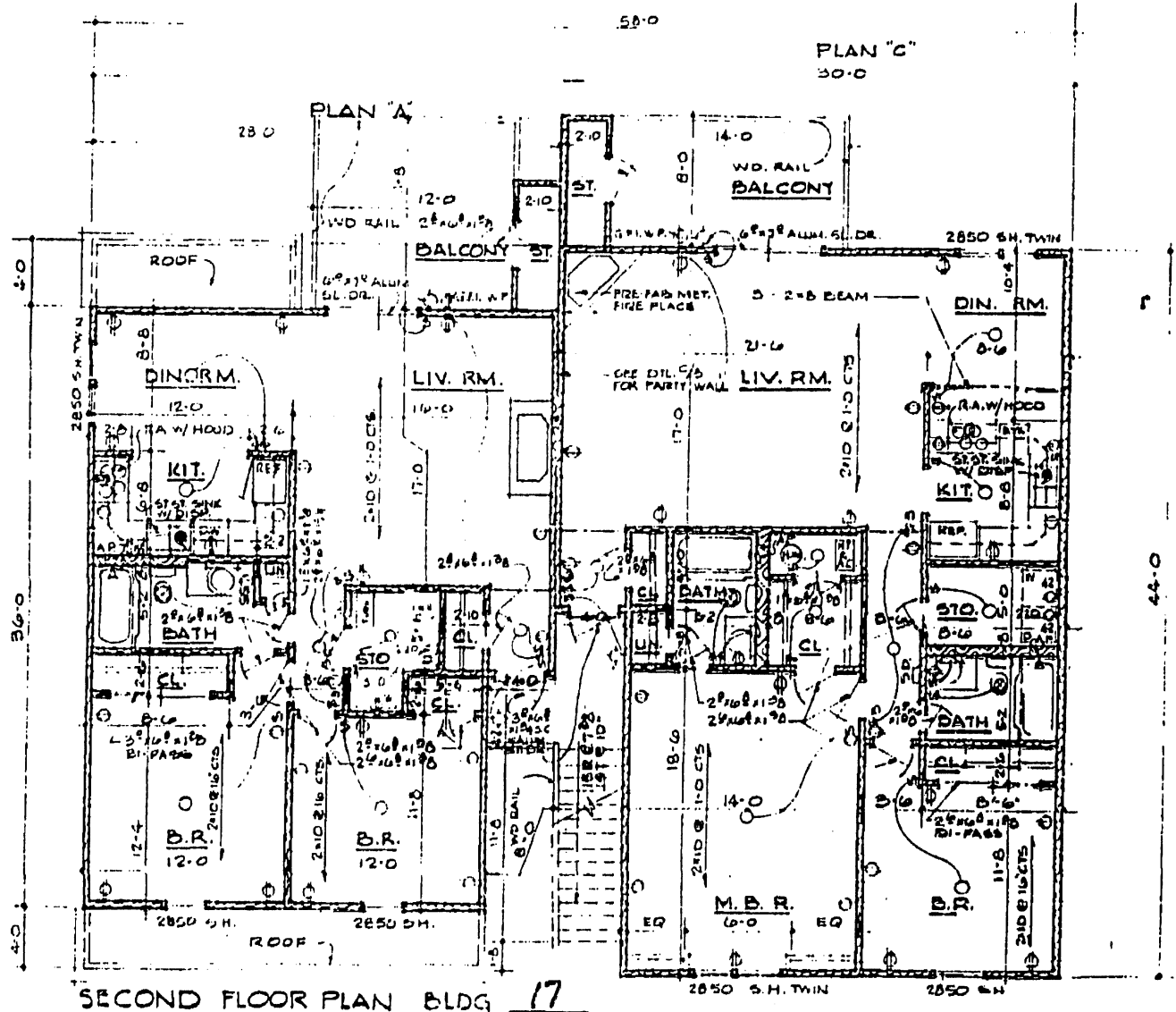
Unit 1

The floor plan of unit one as shown by the drawing to be located on the right as the building is viewed from the front has actually been constructed on the left side as the building is faced from the front. Unit 2 is actually constructed on the right though shown by the drawing to be located on the left. The same reversal of constructed units to floor plans attached exists for the second floor (Units 3 and 4).



The floor plan of unit one as shown by the drawing to be located on the right as the building is viewed from the front has actually been constructed on the left side as the building is faced from the front. Unit 2 is actually constructed on the right though shown by the drawing to be located on the left. The same reversal of constructed units to floor plans attached exists for the second floor (Units 3 and 4).

Architectural floor plan of a three-unit apartment building, labeled "PLAN A", "PLAN B", and "PLAN C". The plan shows three distinct units, each with a living room, kitchen, dining room, and bathroom. Unit A (left) includes a roof, a balcony, and a fireplace. Unit B (middle) features a fireplace and a balcony. Unit C (right) has a fireplace and a balcony. The plan also shows common areas, including a central hallway and a central kitchen area. Dimensions are provided for various rooms and overall unit footprints. The plan is dated 1960 and includes a scale bar.



Unit 4

Unit 3

The floor plan of unit one as shown by the drawing to be located on the right as the building is viewed from the front has actually been constructed on the left side as the building is faced from the front. Unit 2 is actually constructed on the right though shown by the drawing to be located on the left. The same reversal of constructed units to floor plans attached exists for the second floor (Units 3 and 4).

017010

STATE OF KANSAS) SS  
SHAWNEE COUNTY) SS  
RECEIVED FOR RECORD

Dec 20 2 00 PM '02

CLERK OF DEEDS  
JOHN FRIEN

**CERTIFICATE OF PROFESSIONAL ENGINEER TO  
PHEASANT RUN BUILDING 17**

STATE OF KANSAS        )  
                              )   SS;  
COUNTY OF SHAWNEE    )

I, CHARLES B. WEST, of lawful age, after being first duly sworn,  
state as follows:

1. That I am employed by BARTLETT & WEST, Consulting Engineers,  
P.A., with offices located at Topeka, Kansas.

2. That I am a duly licensed and registered engineer pursuant to all  
applicable laws of the State of Kansas.

3. That there has heretofore been recorded a set of plans for Pheasant  
Run Condominium Building 17 showing the layout, location, apartment numbers  
and dimensions of the said condominium apartment building and the units  
identifying the building numerically, prepared by KNIGHT, REMMELE & EATON,  
licensed architects, and by BARTLETT & WEST, licensed professional engineers.  
That said floor and site plans have been duly recorded and may be found at  
Condominium Book 19 at Pages 234, in the office of the Register  
of Deeds of Shawnee County, Kansas.

4. That having surveyed and certified the "as built" foundation dimen-  
sions and location of Pheasant Run Building 17 and having inspected the apartment  
units built therein, without measuring each of the interior walls of each, this  
Affiant certifies that the apartment units located in Pheasant Run Building 17 and  
the building itself has been constructed in substantial compliance with the plans  
heretofore filed for said units and buildings at Condominium Book No. 19  
at Pages 234 in the office of the Register of Deeds of Shawnee County, Kansas,  
Topeka, Kansas, as to the layout, location, apartment numbers and dimensions of  
the apartments.

CH200211010

19 Page 238

IN WITNESS WHEREOF, I have executed and verified this Certificate,  
pursuant to K.S.A. 58-3113, the 22<sup>nd</sup> day of December, 1982.

Charles B. West  
CHARLES B. WEST - Professional Engineer

SUBSCRIBED AND SWORN TO before me this 22<sup>nd</sup> day of December,  
1982.

Jean W. Rose  
NOTARY PUBLIC  
JEAN W. ROSE

My Appointment Expires:

APRIL 21, 1984